



MOR03334P02010US
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:) METHOD AND SYSTEM FOR
MARY I. GRILLIOT et al) PROVIDING PERIMETER
Serial No. 10/619,161) SECURITY
Filed July 14, 2003) Group Art Unit 2134
Examiner Jacob Lippman

TRANSMITTAL OF APPELLANT'S BRIEF ON APPEAL

Mail Stop Appeal Briefs-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed herewith are the following:

(1) Brief on Appeal (including an Appendix of Claims) in regard to the above-referenced patent application; and

37 CFR 1.8
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Appeal Briefs-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 16, 2009.


Signature: Karen Sanderson
Name: Karen Sanderson

(2) A check in the amount of \$540.00 to cover the fee set forth in 37 CFR §1.17(c).

If any additional fees are required, they should be charged to our Deposit Account No. 23-0785.

Respectfully submitted,

WOOD, PHILLIPS, KATZ,
CLARK & MORTIMER

By 
Jeffery N. Fairchild
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January 16, 2009

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APPELLANT'S BRIEF ON APPEAL

Mail Stop Appeal Briefs-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This brief is in support of the Notice of Appeal filed September 30, 2008.

REAL PARTY IN INTEREST

The real parties in interest is Morning Pride Manufacturing, L.L.C., owner by Assignment and Honeywell International, L.L.C. by Stock Purchase Agreement.

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Signature: _____

Karen Sanderson

Name: _____

Karen Sanderson

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RELATED APPEALS AND INTERFERENCES

A Notice of Appeal was filed on September 30, 2008 in the present application together with a Pre-Appeal Brief Request for Review. A Notice of Panel Decision from Pre-Appeal Brief Review was issued on December 16, 2008 maintaining the application under appeal.

STATUS OF CLAIMS

Claims 1, 2, 4-6 and 8 are pending in the application and stand finally rejected. The rejections of claims 1, 2, 4-6 and 8 are being appealed.

STATUS OF AMENDMENTS

There have been no amendments filed subsequent to final rejection.

SUMMARY OF CLAIMED SUBJECT MATTER

Claim 1 is directed towards a method for providing perimeter security so as to restrict entry to authorized persons (p.2, Ins. 7-9). The method includes the steps of

(a) issuing to each authorized person a token displaying or recording a unique set of electronically readable data identifying said authorized person, who can present the token when seeking entry (p. 2, Ins. 9-12),

(b) entering a photograph image of each authorized person into a database (p. 2, Ins. 12-13), which is maintained in a portable or hand-held computer having a display (p. 2, Ins. 12-15),

(c) reading the data displayed or recorded by each token presented by a person seeking entry, via an electronic reader, and sending the read data to the portable or hand-held computer (p. 2, Ins. 15-17), and

(d) the portable or hand-held computer comparing the sent data to the database and displaying the photographic image entered on the database of the person identified by the sent data, via the display (p. 2, Ins. 17-19).

Independent claim 2 is directed toward a method for providing perimeter security so as to restrict entry to authorized persons among a larger group of persons, not all of whom may be authorized (p.2, Ins. 7-9). The method includes the steps of

(a) issuing to each person of the larger group a token displaying or recording a unique set of electronically readable data identifying said person, who can present the token when seeking entry (p. 2, Ins. 9-12),

(b) entering a photograph image of each person of the larger population into a database (p. 2, Ins. 12-13), which is maintained in a portable or hand-held computer having a display (p. 2, Ins. 12-15),

(c) reading the data displayed or recorded by each token presented by a person seeking entry, via an electronic reader, and sending the read data to the portable or hand-held computer (p. 2, Ins. 15-17), and

(d) the portable or hand-held computer comparing the sent data to the database and displaying the photographic image entered on the database of the person identified by the sent data, via the display (p. 2, Ins. 17-19).

Independent claim 5 is directed towards a system for providing perimeter security so as to restrict entry to authorized persons (p.2, Ins. 7-9). The system includes

(a) tokens, each of which is issued to an authorized person and each of which displays or record a unique set of electronically readable data identifying the authorized person to whom it has been issued, and who can present the token issued to said person when seeking entry (p. 2, Ins. 9-12),

(b) a portable or hand-held computer having a display and maintaining a database (p. 2, Ins. 12-13), into which has been entered a photograph image of each person to whom one of has been issued (p. 2, Ins. 12-15), and

(c) means including an electronic reader for reading the data displayed or recorded by each token presented by a person seeking entry and for sending the read data to the portable or hand-held computer (p. 2, Ins. 15-17),

wherein the portable or hand-held computer is programmed to compare the sent data to the database and to display, via the display, the photographic image entered on the database of the person identified by the sent data (p. 2, Ins. 17-19).

Independent claim 6 is directed towards a system for providing perimeter security so as to restrict entry to authorized persons from a larger group of persons, not all of whom may be authorized (p.2, Ins. 7-9). The system includes

(a) tokens, each of which is issued to a specific person of the larger group and each of which displays or record a unique set of electronically readable data identifying the specific person, who can present the token issued to said person when seeking entry (p. 2, Ins. 9-12),

(b) a portable or hand-held computer having a display and maintaining a database (p. 2, Ins. 12-13), into which has been entered a photograph image of each person to whom one of the tokens has been issued (p. 2, Ins. 12-15), and

(c) means including an electronic reader for reading the data displayed or recorded by each token presented by a person seeking entry and for sending the read data to the portable or hand-held computer (p. 2, Ins. 15-17),

wherein the portable or hand-held computer is programmed to compare the sent data to the database and to display, via the display, the photographic image entered on the database of the person identified by the sent data (p. 2, Ins. 17-19).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1, 2, 4-6 and 8 are pending in the application. Claims 1, 2, 4-6 and 8 are finally rejected under 35 U.S.C. §102 as anticipated by Larson et al., U.S.P.N. 2004/0056089.

ARGUMENT

Novel Steps and Structure Recited in the Claims

Independent method claim 1 recites the steps of entering a photograph image of each authorized person into a database which is maintained in a portable or hand-held computer; reading the data displayed or recorded by each token presented by a person seeking entry; and the portable or hand-held computer comparing the sent data to the database and displaying the photographic image entered on the database of the person identified by the sent data, via the display.

Independent method claim 2 recites the steps of entering a photograph image of each person of a larger population into a database, which is maintained in a portable or hand-held computer; reading the data displayed or recorded by each token presented by a person seeking entry; and the portable or hand-held computer comparing the sent data to the database and displaying the photographic image entered on the database of the person identified by the sent data, via the display.

Independent apparatus claims 5 and 6 are directed towards a system and recite a portable or hand-held computer having a display and maintaining a database, into which has been entered a photograph image of each person to whom one of has been issued, means including an electronic reader for reading the data displayed or recorded by each token presented by a person seeking entry and for sending the read data to the portable or hand-held computer; and wherein the portable or hand-held computer is programmed to compare the sent data to the database and to display, via the display, the photographic image entered on the database of the person identified by the sent data. Contrary to the assertions in the Office Action, these steps and structure are neither shown nor suggested by Larson et al.

**Larson et al Fails to Show or Suggest the Step of Entering a
Photographic Image of Each Authorized Person into a Database
Which Is Maintained in a Portable Computer or Handheld Computer**

Contrary to the assertion in the Office Action, the step of entering a photographic image of each authorized person into a database which is maintained in a portable computer or hand-held computer is neither shown nor suggested in Larson et al, let alone

shown or suggested in paragraphs 0031 and 0027 of Larson et al as erroneously asserted in the rejection. Rather, paragraph 0031 is directed to the production of "a security card, badge or tag" for each approved vendor employee, and paragraph 0027 is discussing individual sponsor entities 70, rather than the portable handheld device reader 30 described in paragraph 0019. While Larson et al does disclose the idea of entering information about authorized persons into a database, it doesn't in any way disclose or suggest that the database should be maintained in the handheld device 30 described in paragraph 0019 of Larson et al. For this reason alone, the rejection is improper and should be withdrawn.

Larson et Al Fails to Disclose or Suggest That the Portable or Handheld Computer 30 Actually Compares the Sent Data Read from its Identifier Devices to a Database Containing Information of Each Authorized Person That Is Maintained in its Portable or Handheld Device 30

Larson et al does not disclose that the portable or handheld computer 30 actually compares the sent data read from its identifier devices to a database containing information of each authorized person, let alone to such a database that is maintained in its portable or handheld device 30. In this regard, paragraph 0072 is limited to discussing how a portable device 30 having a portable radio frequency identifier device could be used to perform the card reading functions described in paragraphs 0069, 0070 and 0071. Furthermore, it is noted that there is nothing in paragraphs 0069-0072 stating where the step of comparing the sent data to the database is performed, let alone that it could be performed in the handheld reader device 30. Additionally, while paragraph 0075 mentions distributed devices and databases at the sponsor locations, it does not state or even imply

that the databases could be maintained in handheld device 30, let alone that read and sent data could be compared to a database that is maintained in a handheld device 30. Paragraph 0076 of Larson et al adds nothing in this regard. For this additional reason alone, the §102 rejection of the claims is improper and should be withdrawn.

**The Present Office Action's Response to the
Above Arguments Mischaracterizes Larson et al**

Paragraph 3 at page 3 of the present Office Action mischaracterizes the disclosure of Larson et al. More specifically, in response to Applicants' arguments, the present Office Action asserts that "Larson et al discloses a system where vendors enroll in a database that is centrally located and also **synched to multiple handheld units (0075)**". (emphasis added). However, contrary to this assertion, there is nothing in paragraph 0075 to indicate or even imply that the databases are **maintained** in the handheld device 30 of Larson et al, let alone that read and sent data could be compared to a database that is maintained in its handheld device 30, as recited in the rejected claims. Furthermore, paragraph 3 of the Office Action further asserts that "The data stored in these handheld units includes photographs of the vendors which are displayed on the handheld devices (0071)". However, again contrary to this assertion, there is nothing in paragraph 0071 that indicates that the data is stored in the handheld units as a database. Rather, paragraph 0071 simply indicates that the card reader displays the user's photograph and other appropriate data. At best, this is an indication that the system database, which is not maintained in the card reader, forwards the specific user's photograph and data to the card reader for display.

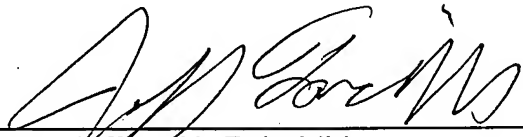
In view of the foregoing, Applicant respectfully requests reconsideration of the finality of the rejection and the rejections of claims 1, 2, 4-6 and 8, and allowance of the case.

CONCLUSION

In view of the foregoing, Applicants respectfully request withdrawal of the rejection of claims 1, 2, 4-6 and 8, and allowance of the case.

Respectfully submitted,

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CLAIMS APPENDIX

1. A method for providing perimeter security so as to restrict entry to authorized persons, wherein the method comprises steps of

(a) issuing to each authorized person a token displaying or recording a unique set of electronically readable data identifying said authorized person, who can present the token when seeking entry,

(b) entering a photograph image of each authorized person into a database, which is maintained in a portable or hand-held computer having a display,

(c) reading the data displayed or recorded by each token presented by a person seeking entry, via an electronic reader, and sending the read data to the portable or hand-held computer, and

(d) the portable or hand-held computer comparing the sent data to the database and displaying the photographic image entered on the database of the person identified by the sent data, via the display.

2. A method for providing perimeter security so as to restrict entry to authorized persons among a larger group of persons, not all of whom may be authorized, wherein the method comprises steps of

(a) issuing to each person of the larger group a token displaying or recording a unique set of electronically readable data identifying said person, who can present the token when seeking entry,

(b) entering a photograph image of each person of the larger population into a database, which is maintained in a portable or hand-held computer having a display,

(c) reading the data displayed or recorded by each token presented by a person seeking entry, via an electronic reader, and sending the read data to the portable or hand-held computer, and

(d) the portable or hand-held computer comparing the sent data to the database and displaying the photographic image entered on the database of the person identified by the sent data, via the display.

4. The method of claim 1 or 2, wherein the portable or hand-held computer is one of plural portable or hand-held computers, each of which maintains a replica of the database.

5. A system for providing perimeter security so as to restrict entry to authorized persons, wherein the system comprises

(a) tokens, each of which is issued to an authorized person and each of which displays or record a unique set of electronically readable data identifying the authorized person to whom it has been issued, and who can present the token issued to said person when seeking entry,

(b) a portable or hand-held computer having a display and maintaining a database, into which has been entered a photograph image of each person to whom one of has been issued, and

(c) means including an electronic reader for reading the data displayed or recorded by each token presented by a person seeking entry and for sending the read data to the portable or hand-held computer,

wherein the portable or hand-held computer is programmed to compare the sent data to the database and to display, via the display, the photographic image entered on the database of the person identified by the sent data.

6. A system for providing perimeter security so as to restrict entry to authorized persons from a larger group of persons, not all of whom may be authorized, wherein the system comprises

(a) tokens, each of which is issued to a specific person of the larger group and each of which displays or record a unique set of electronically readable data identifying the specific person, who can present the token issued to said person when seeking entry,

(b) a portable or hand-held computer having a display and maintaining a database, into which has been entered a photograph image of each person to whom one of the tokens has been issued, and

(c) means including an electronic reader for reading the data displayed or recorded by each token presented by a person seeking entry and for sending the read data to the portable or hand-held computer,

wherein the portable or hand-held computer is programmed to compare the sent data to the database and to display, via the display, the photographic image entered on the database of the person identified by the sent data.

8. The system of claim 5 or 6, wherein the portable or hand-held computer is one of plural portable or hand-held computers, each of which maintains a replica of the database.

EVIDENCE APPENDIX

There is no evidence that has been entered by the Examiner and relied upon by Appellant.

RELATED PROCEEDING APPENDIX

There has been no decision by a Court or the Board in any proceeding identified pursuant to (c)(1)(ii) of 37 C.F.R. §41.37.